Two

ACTS

I. An ACT to take away Damage Clear.

II. An ACT to take away the Benefit of Clergy from him that doth Stabb another not having a Weapon drawn.

DUBLIN,

Re-printed by *Andrew Crook*, Printer to the Kings Moſt Excellent Majeſty, on *Ormonde-Key*, 1695.

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CHAP. X.

WHEREAS the Moneys which are taken by Prothonotaries of Your Majesties Courts of Kings-Bench and Common-Pleas, and by the Clerk of Your Majesties Court of Exchequer at Dublin, and the Clerks and Prothonotaries in any other Court within this Realm, in the name of Damna Clericorum, or Damage Clear, are an unnecessary Charge and Burthen to all Your Majesties Subjects, who have good Cause and put to Sue for Damage in Actions where Damages are Recoverable: For abolishing of which Inconvenience for the future, and that Your Majesties Subjects may have an easier means for the Recovery of their Damages and Just Rights which are unjustly detained from them; May it please Your Most Excellent Majesty that it may be Enacted, and His Most Excellent Majesty being willing upon all Occasions to Ease His Subjects of all unnecessary Charges and Burthens, is Graciously Pleased that it be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That no Damage Clear shall by any Title or Pretence whatsoever be Due, Payable, Taken or

or Received from any Person or Persons in any Action whatsoever, Sued or Prosecuted in any of his Majesty's Courts at Dublin, or elsewhere within the Kingdom of Ireland, by any Prothonotary, Clerk or Clerks, or other Officer or Officers of the said Courts respectively, that the said Fee of Damna Clericor. or Damage Clear, shall wholly cease and be forever Annulled in the said Courts; and that if any Prothonotary, Clerk or Clerks, or other Officer in any of the said Courts, shall take or Extort any Sum or Sums of Money in the name of Damna Clericor or Damage Clear, or any thing in Lieu thereof, or if any of the said Prothonotaries Clerk or Clerks, or their Deputies, shall Exact or take any Damage Clear, or Sum of Money, Bond or Security in Lieu thereof from any Plaintiff or Plaintiffs, Demandant or Demandants, in any Action where Damages have been or hereafter shall be recovered in any of the said Courts, or shall refuse or delay to Sign any Judgment until Damage Clear be first paid by the Plaintiff or Demandant; he or they so offending shall forfeit Double the Sum to Be taken, Exacted or Demanded to the Party or Parties grieved, to be recovered by Bill, Plaint or Information in any of the said Courts, wherein no Essoyn, Protection or Wager of Law shall be Allowed.

An

An Act to take away the Benefit of Clergy from him that doth Stabb another not having a Weapon Drawn.

CHAP. XI.

TO the End that Stabbing and Killing of Men on the sudden, Done and Committed by many Inhumane and Wicked Persons in the time of their Rage, Drunkenness, hidden Displeasure, or other Passion of Mind, Contrary to the Commandment of Almighty God, and the Common Peace and Tranquility of this Realm, may from henceforth be Restrained for fear of due Punishment to be Inflicted on such Cruel and Bloody Malefactors, who heretofore have been thereunto Emboldened by presuming on the Benefit of the Clergy.

Be it therefore Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That every Person and Persons, who after the End of this present Parliament shall Stabb or Thurst any Person or Persons that hath not then any Weapon Drawn, or that hath not then first stricken the Party which shall so Stabb or Thrust, so as the Person or Persons so Stabbed or Thrust shall thereof Die within the space of Six Monthes then next following, although it cannot be proved that the same was Done of Malice Fore-thought, yet the Party

to Offending, and being thereof Convicted Shall at
by Justice Given, Confession, or otherwise, accord-
ing to the Laws of this Realm shall be Execu-
ted from the benefit of his or their Clergy, and
suffer Death as in Case of Felony, without
benefit of Clergy.

Provided always that this Act, or any thing
therein Contained, shall not Extend to any Per-
son, by Reason only of his having Benefit
of Clergy, or Ordinary, or other Privilege
Allowed, and by the Statutes of this Realm
now in use, or hereafter to be Allowed, in
any of the Cases Mentioned in the Statutes
of Premunire, or Murther, or Petit Treason,
or Felony in Stealing Horses, or Robbery
in the Highway, or Felony in Stealing Goods
and Chattels in any Dwelling House, to the
Number of Five Pounds, or Felony in Steal-
ing Sheep or Lambs, or Felony in Stealing
Cattle, or Felony in Stealing Money, or
Goods and Chattels in any Church or Chapel,
or Felony in Burning of Houses, or Felony
in Stealing Children under the Age of Ten
Years, or Felony in Stealing of Fish in Ponds
or Stews, or Felony in Stealing Deer in Forests,
Chases, Parks, or Enclosed Grounds, or Felony
in Stealing Hawks, or Felony in Stealing Dogs
of Sporting Value, or Felony in Stealing Bees,
or Felony in Stealing Linen, Woollen, Fustian,
Cotton, Iron, Leather, Silk, Hemp, Flax, Mo-
hair, Camblet, Grograin, Stuff, Serge, Hair,
Shalloon, or Druggets, or Felony in Stealing
Tapestry, Carpets, Cushions, Pewter, Brass,
Copper, Lead, Iron, or Bell-Metal, or Felony
in Stealing Glass, Wainscot, Boards, Timber,
Pales, Rails, Doors, Locks, Bolts, Windows,
Shutters, Posts, Wainscot, Planks, Stalls, Racks,
Mangers, Hurdles, Shelves, Bedsteads, Tables,
Forms, Chairs, Glass Frames, Lead, Iron, Brass,
Copper, Pewter, Bell-Metal, or Utensils, or
Implements for Carrying on any Trade, or
Manufacture, then Allowed, or not Allowed,
to any Person or Persons, who shall be Con-
victed of any of the said Felonies, or Petit
Larcenies, or Receiving any of the said Things
knowing them to be Stolen, or Procuring,
Counselling, or Commanding any of the said
Felonies to be done or committed, shall not
be Entitled to the Benefit of Clergy, or Ordi-
nary, or other Privilege Allowed, and by the
Statutes of this Realm now in use, or hereafter
to be Allowed, in any of the Cases Mentioned
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